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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,265	08/09/2001	Benjamin Andrew Himmel	AUS920010557US1	4193

7590 12/22/2003

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EXAMINER

EHICHIOYA, FRED I

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

ppg

Office Action Summary	Application No.	Applicant(s)	
	09/925,265	HIMMEL ET AL.	
	Examiner	Art Unit	
	Fred I. Ehichioya	2172	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. Claims 1 – 24 are pending in this office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3 – 8, 10 – 12, 14, 15, 17, 18, 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S Patent 6,394,341 issued to Mikko Makipaa et al (hereinafter "Makipaa") in view of U.S. Patent 6,487,540 issued to Steven B. Smith et al (hereinafter "Smith").

Regarding claims 1, 15 and 23, Makipaa teaches managing an electronic document within a computer network, the method, computer program product and system comprising:

creating a customer profile for a user (see column 11, lines 32 – 36);

sending the electronic receipt from the point of sale to a database, wherein the database is designated by the customer profile (see column 2, lines 1 – 21).

Makipaa teaches electronic receipt (column 1, lines 58 – 63).

However, Smith teaches creating an electronic receipt containing information about a transaction executed by the user at a point of sale (see column 3, lines 16 – 32 and column 4, line 18)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Smith with the teaching of Makipaa wherein electronic receipts are generated at the point of sales. The motivation is that electronic receipts comprise itemized information, which enable the tracking and accounting of purchased items to be performed automatically.

Regarding claims 3 and 17, Makipaa teaches wherein the customer profile comprises at least one of the following: customer name; password; credit card numbers; client machine addresses; tax deduction information; purchase classification; and personal financial manager applications used on a client machine (see column 6, lines 47 – 67).

Regarding claim 4, Makipaa teaches wherein the database containing the electronic receipts is on a credit card company server (see column 2, lines 32 – 42).

Regarding claim 5, Makipaa teaches wherein the database containing the electronic receipts is on a manufacturer server (see column 2, lines 43 – 50).

Regarding claim 6, Makipaa teaches wherein the database containing the electronic receipts is on a merchant cash receipt server (see column 2, lines 51 – 62).

Regarding claim 7, Makipaa teaches wherein the database containing the electronic receipts is on a clearing house server (see column 3, lines 40 – 51).

Regarding claims 8 and 18, Smith teaches wherein the electronic receipt further comprises at least one of the following:

customer name; customer password; item type; brand name; date of purchase; purchase price; method of purchase; credit card number; tax deduction status; and warranty information (see column 3, lines 20 – 26).

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Regarding claim 10, Smith teaches wherein merchants and manufacturers may use the electronic receipts to send product information to customers, the product information comprising at least one of the following:

extended warranties; product upgrades; product recalls; product safety updates; identical items available for exchange; and alternative and substitute items available for exchange (see column 6, lines 9 – 19).

Regarding claims 11 and 20, Smith teaches wherein the electronic receipts are encrypted, preventing the information content of the electronic receipts from being modified (see column 6, lines 19 – 24).

Regarding claim 12, Smith teaches wherein the client machine may be at least one of the following:

personal computer; laptop computer; personal digital assistant; mobile telephone; and palm computer (see column 5, lines 55 – 67).

Regarding claims 14 and 22, Smith teaches initiating the receipt search object to automatically delete an electronic receipt from the database at a predefined time (see column 6, lines 30 – 33).

4. Claims 2, 9, 13, 16, 19, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa in view of Smith and further in view of U.S. Patent 6,327,576 issued to Nobuo Ogasawara (hereinafter "Ogasawara").

Regarding claims 2, 16 and 24, Makipaa and Smith disclose the claimed subject matter as discussed in claims 1, 15 and 23 respectively.

Smith teaches downloading a copy of the retrieved electronic receipt to a client machine designated by the customer profile (see column 6, lines 22 – 30).

Makipaa and Smith do not explicitly teach receiving search parameters from the user, wherein the search parameters specify an electronic receipt within the database; and initiating a receipt search object which retrieves the specified electronic receipt from the database, according to the search parameters.

Ogasawara teaches receiving search parameters from the user, wherein the search parameters specify an electronic receipt within the database (see column 5, lines 46 – 52); and

initiating a receipt search object which retrieves the specified electronic receipt from the database, according to the search parameters (see column 6, lines 1 – 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Ogasawara with the teaching of Makipaa and Smith wherein searching the database to locate electronic receipt for resolving customer's issues. The motivation is that it is quicker and easier to locate electronic receipt than the traditional paper receipt.

Regarding claims 9 and 19, Ogasawara teaches wherein the search parameters comprise at least one of the following:

customer name; customer password; item type; brand name; approximate date of purchase; approximate purchase price; method of purchase; credit card number; and tax deduction status (see column 5, lines 46 – 52).

Regarding claims 13 and 21, Ogasawara teaches initiating the receipt search object to delete an electronic receipt from the database, according to the search parameter (see column 4, lines 40 – 45).


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-303-3900.

Fred I. Ehichioya
Examiner
Art Unit 2172
December 13, 2003


SHAHID ALAM
PRIMARY EXAMINER